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JAMES TODD BENNETT
   Attorney of Law
   P. O. Box 742
   El Cerrito, CA 94530
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   Telephone: (510) 232-6559
   California State Bar No. 113009
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   Attorney for Petitioner
   NAVNEET GHOTRA
6
                      UNITED STATES DISTRICT COURT
7
                    NORTHERN DISTRICT OF CALIFORNIA
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                                   ) CASE NO: C07-4428 MMC
   NAVNEET GHOTRA,
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        Petitioner,
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                                   ) PETITIONER'S UNOPPOSED MOTION
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   V.
                                    TO EXTEND TIME BY ONE BUSINESS
                                   ) DAY TO FILE REPLY TO OPPOSITION
                         Secretary,) TO PETITION; PROPOSED ORDER
   MICHAEL CHERTOFF,
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   Department
                   of
                          Homeland)
   Security, NANCY ALCANTAR, Field) [Alien Registration No.:
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                                    A77 381 997]
                       Immigration)
   Office Director,
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                               and)
                 Enforcement,
   and Customs
   ALBERTO
              GONZALES,
                         Attorney,
                                    Hearing Date: October 12, 2007
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   General of the United States,
                                    Time: 9:00 a.m.
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        Respondent.
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        Pursuant to Local Rules 6-1 and 6-3, Navneet Ghotra,
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   petitioner herein, hereby respectfully moves the Judge of the
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   United States District Court, Northern District of California,
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   for an order extending the time to reply to Respondent's
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   Opposition to Petition for Writ of Habeas Corpus from the
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   current due date of September 28, 2007 to the next business day,
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   October 1, 2007.
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Counsel for respondents herein, Edward Olsen, Assistant United States Attorney, United States Attorney Office, does not oppose this motion.

The reason for this motion is that counsel for petitioner has been in protracted contested habeas corpus proceedings in Garcia Garnica v. Chertoff, et. al., United States District Court, Northern District of California, Case No. C07-4953 SBA and Garcia Garnica v. Chertoff, et. al., United States Court of Appeals for the Ninth Circuit, Case No. 07-16737, for the past four days and has been unable to complete the reply due to the unanticipated conflict.

Based on the foregoing, it is respectfully requested that the motion be granted.

September 28, 2007 Dated:

/s/

JAMES TODD BENNETT Attorney for Petitioner Navneet Ghotra

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DECLARATION OF COUNSEL

- I, James Todd Bennett, hereby declare that:
- I am an attorney at law, duly licensed to practice law 1. by the California State Bar.
 - I am counsel of record for petitioner herein. 2.
- The reply to the Respondent's Opposition to Petition 3. for Writ of Habeas Corpus is currently due by September 28, 2007 by the court's order pursuant to stipulation by the parties.

- 4. For the past four days, I have been in protracted contested habeas corpus proceedings in <u>Garcia Garnica v.</u>

 <u>Chertoff, et. al.</u>, United States District Court, Northern District of California, Case No. C07-4953 SBA, and before the United States Court of Appeals for the Ninth Circuit, Case No. 07-16737.
- 5. I am unable to complete the reply herein by September 28, 2007 due to the conflict and request leave to October 1, 2007 within which to respond.
- 6. On September 28, 2007 I conferred with Edward Olsen, Assistant United States Attorney, United States Attorney Office, counsel for respondents, and he stated he does not oppose this motion.
 - 7. No prior modifications have been requested or granted.
- 8. The requested extension will not modify the hearing date of October 12, 2007 unless otherwise ordered by the court.
- 9. Based on the foregoing, it is requested that the time to reply be extended to October 1, 2007.
- I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on September 28, 2007 at El Cerrito, California.

_____/s/ JAMES TODD BENNETT

PROPOSED ORDER

Upon a showing of good cause:

The time for petitioner to reply to the Respondent's Opposition to Petition for Writ of Habeas Corpus is extended to October 1, 2007.

DATED: October 1, 2007

Makine M. Chesney

United States District Judge